



Comptroller General
of the United States

1141201

Washington, D.C. 20548

Decision

Matter of: D. K. Realtec, Inc.

File: B-259892


Date: January 20, 1995

DECISION

D. K. Realtec, Inc. protests the rejection of the firm as nonresponsible under solicitation No. H09R94000316000, issued by the Department of Housing and Urban development (HUD) for real estate asset management services in Los Angeles, Ventura, San Luis Obispo and Santa Barbara counties, in California.

The protest is dismissed.

The Small Business Act, 15 U.S.C. § 637(b)(7) (1988), gives the Small Business Administration (SBA) the conclusive authority to review a contracting officer's determination that a small business is not responsible. Accordingly, when a small business is found nonresponsible by a contracting officer, the contracting officer must refer the matter to SBA for consideration of issuance of a certificate of competency. Id. Here, by letter dated January 9, 1995, HUD referred the determination of nonresponsibility regarding the protester to SBA. Since HUD has taken the appropriate corrective action, the protest is academic.


Christine S. Melody
Assistant General Counsel